

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALDRICH OLIVER,

Plaintiff

Case No. 2:20-cv-01353-JAD-NJK

ORDER

v.

NELSON, *et al.*,

Defendants

I. DISCUSSION

On July 22, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and a Financial Certificate. Docket Nos. 1-1, 1-2. Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis* with complete financial attachments.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **September 21, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay

1 the full \$400 filing fee on or before **September 21, 2020**, the Court will dismiss this case without
 2 prejudice for Plaintiff to file a new case with the Court when Plaintiff is either able to acquire all
 3 three of the documents needed to file a fully complete application to proceed *in forma pauperis* or
 4 pay the full \$400 filing fee.

5 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 6 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 7 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
 8 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
 9 **September 21, 2020** to proceed with this case. The Court will retain Plaintiff's civil rights
 10 complaint (Docket No. 1-1), but the Court will not file the complaint unless and until Plaintiff
 11 timely files a fully complete application to proceed *in forma pauperis* with all three documents or
 12 pays the full \$400 filing fee.

13 **II. CONCLUSION**

14 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff
 15 the approved form application to proceed *in forma pauperis* by an inmate, as well as the document
 16 entitled information and instructions for filing an *in forma pauperis* application.

17 IT IS FURTHER ORDERED that on or before **September 21, 2020**, Plaintiff will either
 18 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 19 administrative fee) or file with the Court:

20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
 21 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
 22 3),

23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
 24 (i.e. page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
 26 **six-month period.**

27 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
 28 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action

1 on or before **September 21, 2020**, the Court will dismiss this action without prejudice for Plaintiff
2 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
3 needed to file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

4 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (Docket
5 No.1-1) but will not file it at this time.

6 IT IS SO ORDERED.

7 DATED: July 23, 2020

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10 NANCY J. KOPPE
11 UNITED STATES MAGISTRATE JUDGE
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